

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TED R. BASSETT,

Case No. 2:21-cv-00697-RFB-BNW

Petitioner,

ORDER

v.

C. JOHNSON, et al.,

Respondents.

In June 2021, this court dismissed Ted R. Bassett’s *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus, and judgment was entered (ECF Nos. 5, 6). Bassett has filed a motion for reconsideration (ECF No. 8). As discussed below, the motion is denied.

Rule 60(b) entitles the moving party to relief from judgment on several grounds, including the catch-all category “any other reason justifying relief from the operation of the judgment.” Fed.R.Civ.P. 60(b)(6). A motion under subsections (b)(4-6) must be brought “within a reasonable time.” Fed.R.Civ.P. 60(c)(1). Rule 60(b) applies in habeas corpus proceedings only to the extent that it is not inconsistent with the provisions of the Antiterrorism and Effective Death Penalty Act (AEDPA).

Here, Bassett claims that the court incorrectly viewed his petition as only challenging his parole revocation (ECF No. 8). Despite his attempts to reframe his state-law claims related to the rescinding of his parole, they are not claims that he is in custody in violation of his federal constitutional rights. And, as the court stated in its previous order, if Bassett claims that the parole board violated his due process rights in the manner that his parole was rescinded and that he should

1 receive a new parole hearing, such claims are noncognizable in habeas corpus because success on
2 such claims would not necessarily lead to speedier release. *See Nettles v. Grounds*, 830 F.3d 922
3 (9th Cir. 2016). *See also* Nevada Court of Appeals Case No. 81405. Bassett's claims are not
4 cognizable in federal habeas. He has presented no basis for the court to reconsider its order
5 dismissing the petition. Accordingly, the motion for reconsideration is denied.

6 **IT IS THEREFORE ORDERED** that petitioner's motion for reconsideration (ECF No.
7 8) is **DENIED**.

8 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.
9

10 DATED: 28 October 2021.
11

A handwritten signature in black ink, appearing to be 'RFB' with a stylized flourish.

12
13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28